

REMARKS-General

1. The newly drafted independent claim 10 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 10-18 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

2. With regard to the rejection of record based on prior art, Applicant will advance arguments to illustrate the manner in which the invention defined by the newly introduced claims is patentably distinguishable from the prior art of record. Reconsideration of the present application is requested.

Regarding to the Rejection of Claims 1 and 5-8 under 35USC102

3. The examiner rejected claims 1 and 5-8 under 35USC102(b) as being anticipated by Yamamoto (JP 2003-109547). Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

4. In view of 35 U.S.C. 102(b), it is apparent that a person shall not be entitled to a patent when his or her invention was patent in this country more than one year prior to the date of the application for patent in the United States.

5. However, the Yamamoto patent and the instant invention are not the same invention according to the fact that the disclosure of Yamamoto patent does not read upon the instant invention and the independent claim 10 of the instant invention does not read upon Yamamoto patent either.

6. The applicant respectfully identifies the differences between the instant invention and Yamamoto for the purpose of overcoming the rejections under 35USC102(b) as follows.

7. Regarding the newly drafted independent claim 10, Yamamoto fails to disclose a magnetic light, comprising an air-filled light body having an inner cavity, at least a through slot defined on the inner cavity, and a fluorescent layer coated onto the inner cavity, and a glass tube communicated with the inner cavity for storing a predetermined amount of mercury; and a magnetic body positioned in the through slot of the inner cavity, and is arranged to generate high frequency resonance with the fluorescent layer so as to allow the fluorescent layer to generate illumination having an enhanced luminous efficiency, extended life span and enhanced energy saving ability.

8. Yamamoto generally discloses electrodeless discharge lamp comprising a bulb in which the discharge gas is sealed, cores which impress high frequency electromagnetic field on the bulb 1, a coil wound on the cores and a high frequency power source which supplies high frequency power to the bulb. They bulb also has a plurality of discharge loops. In other words, Yamamoto fails to expressly disclose that the mechanism by which illumination is generated is through illumination of the fluorescent layer subject to high frequency resonance. Moreover, there aren't any through slot for accommodating the magnetic body and the glass tube.

Response to Rejection of Claims 2-4 and 9 under 35USC103

9. The Examiner rejected claims 2-4 and 9 under 35USC103(a) as being unpatentable over Yamamoto et al. in view of Borowiec et al. (US 5,412,288). Pursuant to 35 U.S.C. 103:

"(a) A patent may not be obtained thought the invention is **not identically disclosed or described as set forth in section 102 of this title**, if the **differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains**. Patentability shall not be negated by the manner in which the invention was made."

10. In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the

disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

11. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Yamamoto et al. which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Borowiec et al. at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

12. The applicant respectfully submits that the differences between the instant invention and Yamamoto et al. are not obvious in view of Borowiec et al. under 35USC103(a), due to the reasons explained below.

13. Borowiec discloses SEF fluorescent discharge lamp comprising a light-transmissive envelope, an excitation coil, and an exhaust tube 30, which the examiner identifies as equivalent to the glass tube recited in claim 10. However, nothing in Borowiec discloses that the exhaust tube 30 is to be used for containing mercury. Moreover, Borowiec simply fails to disclose a magnetic light wherein illumination is produced by high frequency resonance of the fluorescent layer by the magnetic body.

14. More specifically, Borowiec merely discloses a solenoidal electric field (SEF) fluorescent discharge lamp, comprising a light-transmissive envelope containing an ionizable, gaseous fill for sustaining an arc discharge when subjected to a radio frequency magnetic field and for emitting ultraviolet radiation as a result thereof, the envelope having an interior phosphor coating for emitting visible radiation when excited by the ultraviolet radiation. Moreover, the exhaust tube extends through the re-entrant cavity, wherein the coil 14 is mounted at the exhaust tube 30. In the instant invention, however, the magnetic body is not positioned at the glass tube, which is identified by the examiner as the exhaust tube 30.

15. Moreover, the instant invention does not recite that the exhaust tube has an extension extended into the envelope toward the apex portion of the envelope,

wherein the extension has a rim portion for holding an amalgam support in position within the lamp envelope, and that the amalgam support holds at least one amalgam in a predetermined location within the envelope.

16. Yamamoto et al. and Borowiec also fail to anticipate that the light body is selected from a group consisting of round shape body, oblate shape body, rectangle shape body, cylinder shape body, elliptical shape body, flat panel body, ring shape body and tubular shape body. In fact, each of the cited references discloses only limited types of lamp shapes.

17. The Examiner appears to reason that since Yamamoto and Borowiec teach some sorts of lamps, it would have been obvious to one skilled in the art to combine Yamamoto and Borowiec to produce the instant invention. But this is clearly **not** a proper basis for combining references in making out an obviousness rejection of the present claims. Rather, the invention must be considered as a whole and there must be something in the reference that suggests the combination or the modification. See *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984) ("The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination"), *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") *In re Laskowski*, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989), ("Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, "[t]he mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") In the present case, there is no such suggestion.

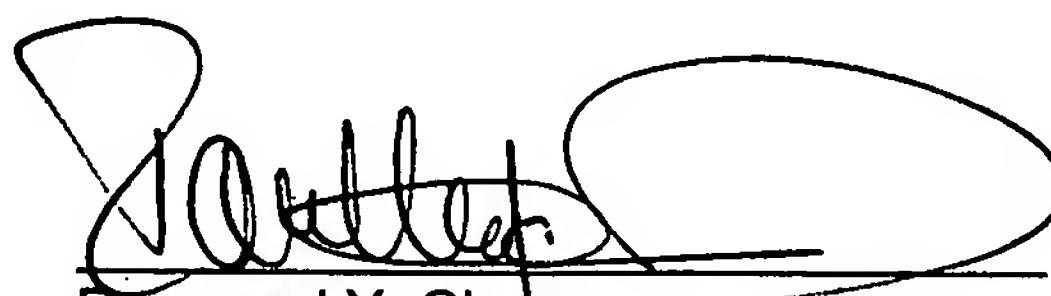
The Cited but Non-Applied References

18. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

19. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejection are requested. Allowance of claims 10-18 at an early date is solicited.

20. Should the examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

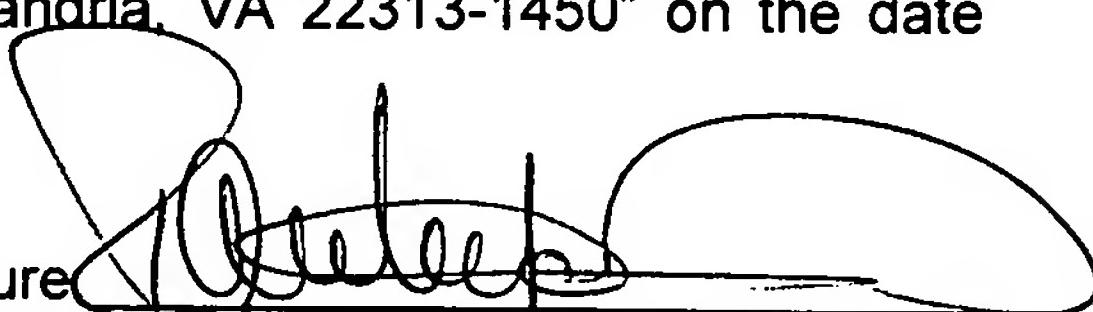


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